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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,115	11/29/2000	Thomas Gerard Marsh	P66115US0	8760

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EXAMINER

LEZAK, ARRIENNE M

ART UNIT PAPER NUMBER

2143

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/725,115

Applicant(s)

MARSH ET AL.

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,6,7,9-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,6,7,9-25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Examiner notes that Claims 4, 6, 7, 9, 10, 13-15, 17-20 & 22-25 have been amended and Claims 27 & 28 have been added and Claims 1-3, 5, 8 & 26 have been cancelled. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 4 June 2004 as reiterated herein below.

#### ***Claim Objections***

2. Examiner notes that Claim 26 has been cancelled, and as such, objection to the same is now removed.

#### ***Claim Rejections - 35 USC § 102***

3. Examiner notes that Claims 1 & 26 have been cancelled, and as such, objection to the same under 35 U.S.C. 102 is now removed.

#### ***Claim Rejections - 35 USC § 103***

4. Claims 4, 6, 7, 9-25, 27 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over extensive consideration of the teachings of US Patent 6,149,438 to Richard.

5. Regarding Amended Claims 4, 6, 7, 9, 10, 13-15, 17-20 & 22-25, New Claims 27 & 28 and Original Claims 11, 12, 16 & 21, Richard discloses:

A computer based training method carried out by a computer used by a

student, wherein the computer is a client computer and the method comprises the steps of a server-based training system dynamically downloading training content to the client computer in response to student instructions received by the client computer, (per pending Claims 22, 27 & 28), (Abstract; Col. 2, lines 25-67; Col. 3, lines 1-27; Col. 5, lines 57-64; Col. 14, lines 23-67; and Cols. 15 & 16):

- wherein the system downloads a control program, a content data file, and a navigation frame program to the client computer, and the step of downloading content comprises the sub-steps of: the navigation frame program notifying the control program of the need for content according to a student request; and the control program requesting the content from the system according to the content data file, (per pending Claims 27 & 28), (Abstract; Col. 2, lines 25-67; Col. 3, lines 1-27; and Col. 5, lines 57-64);
- wherein the content data file defines the location of selected content on the system, (per pending Claims 3, 27 & 28), (Col. 4, lines 48-67 and Col. 5, lines 1-29);
- wherein the content data file relates to one or more learning object, each learning object (obviously) containing a plurality of learning points, (per pending Claim 4), (Col. 6, lines 22-49);
- wherein the system also downloads a content frame program for a screen frame dedicated to output of content location of said content, and the control program requesting said content from the system; and the navigation frame

program updating course progress variables as fresh content is downloaded and played, (per pending Claims 23, 27 & 28), (Col. 8, lines 15-28);

- wherein the control program is registered in the client computer as a display frame program, and its frame dimensions are such that the frame is not visible, (per pending Claims 6, 23, 27 & 28), (Col. 8, lines 28-47);
- wherein the navigation frame program establishes a frame in the client computer for navigation user interaction independently of display of current content, (per pending Claims 7, 27 & 28), wherein the navigation frame program notifies the control program of a next selected content according to a student request, (per pending Claims 27 & 28), and wherein the navigation frame program operates independently of the content frame program, (per pending Claim 9), (Col. 8, lines 28-47);
- wherein the system downloads a progress variables frame program, said program establishes a hidden frame in the client computer, and receives updates to course progress variables as a student progresses through a course, (per pending Claims 13 & 24), (Col. 7, lines 26-30 and Col. 8, 28-47);
- wherein the navigation frame program updates said progress variables, and said updates are performed when a new learning point is activated, (per pending Claims 14 & 24), (Col. 7, lines 26-30 and Col. 8, 28-47);
- wherein the server stores information resource settings accordingly to a student registration configuration and each learning object as represented by the content data file, and the server downloads said setting for the information frame

program, (per pending Claim 15); and wherein the settings/resources (URLs) are embedded in the content data file, and the control program parses the content data file to obtain the settings in response to a request from the information frame program, (per pending Claim 16), (Col. 7, lines 46-67 and Col. 8, lines 1-14);

- wherein the system downloads a start document at the start of a course, the start document defines an initial screen display and identifiers of progress variables to be updated with assistance from the progress variables frame program, (per pending Claims 17, 27 & 28); wherein the system also downloads command line parameters indicating the location in the system of the content data file, (per pending Claims 18, 27 & 28); and wherein the system downloads the control program after downloading the command line parameters, and the control program parses the command line parameters to determine the location of the content data file, (per pending Claims 19, 27 & 28), (Col. 5, lines 57-67; Col. 6, lines 1-49; Col. 7, lines 18-25; and Col. 8, lines 15-47);

- wherein at the start of a course the control program parses the content data file to locate an identifier for a content map and causes the content map to be downloaded, and the content frame program allows student selection of desired content, (per pending Claims 20, 27 & 28), and wherein initial content is downloaded in response to a student selection using the content map, and subsequent content is selected in response to student inputs for the navigation frame program, (per pending Claims 21, 27 & 28), (Col. 8, lines 15-47).

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6. Examiner notes that Richard does not specifically disclose the application of said patent within an Internet environment, separate from the content data file, for purposes of obtaining independent exterior (Internet - URL) sources of information, (per pending Claims 10-12, 25, 27 & 28). Examiner further notes that Applicant has incorporated the use of Java and XML, for purposes of modification convenience.

7. It would have been obvious to one of ordinary skill in the art at the time of invention by Applicant to apply the Richard computer based training system to the Internet, as the Richard system teaches the transfer of information over any necessary network, (Col. 4, lines 15-25). The Internet was a well-known network at the time of invention by Applicant, and application of the Richard training system over the Internet would have been obvious especially within a network of hundreds or thousands of computers. Further, Examiner notes that Richard discloses a maintenance functionality, (Col. 7, lines 40-67) and an authoring functionality, (Col. 8, lines 48-65), which maintenance and authoring functionalities could obviously include the incorporation of a well-known and commonly used language such as Java and XML, particularly and obviously for Internet interaction. Thus, Amended Claims 4, 6, 7, 9, 10, 13-15, 17-20 & 22-25, New Claims 27 & 28 and Original Claims 11, 12, 16 & 21 are found to be unpatentable over extensive consideration of the teachings of Richard.

### ***Response to Arguments***

8. Applicant's arguments filed 3 December 2004, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c)

because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

9. Regarding Applicant's arguments, Examiner finds that the Interview and Interview Summary dated 23 December 2004 clearly indicates the presence of those functionalities presently enumerated by Applicant. Specifically, Examiner notes that Richards reads upon the following: partial course download, (Col. 5, lines 17-29 and Fig. 6), navigation frame program buttons, (Col. 12, lines 54-67), and content data file server/client content collaboration, (Col. 5, lines 30-45 & Col. 6, lines 5-60).

10. Examiner has addressed Applicant's Amendment, and has further rejected all New, Amended & Original Claims, as noted herein above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML

  
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